

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

ELIZABETH T. BASHAM,

Plaintiff,

v.

Civil Action No. 3:22-cv-65
Louisa County Circuit Court Case No. CL22-058

WAL-MART STORES EAST, LP,

Defendant.

NOTICE OF REMOVAL

Wal-Mart Stores East, LP (“Walmart”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal on the following grounds:

1. Plaintiff filed a Complaint in the Circuit Court of Louisa County on or about March 3, 2022, seeking \$750,000.00 in damages against Walmart. (**Exhibit A**). This is a personal injury action in which Plaintiff claims to have been injured at a Walmart store in Hanover County, Virginia on August 19, 2017, as a result of Walmart’s negligence.

2. Walmart was served through its registered agent on October 18, 2022, and timely filed an Answer (**Exhibit B**) to Plaintiff’s Complaint on or about October 27, 2022.

3. On October 31, 2022, the Court entered an Order dismissing the Defendants who were improperly named in the Complaint, “Wal-Mart Stores East, Inc.,” “Wal-Mart, Inc.,” and “Wal-Mart” (**Exhibit C**). Thus, the only remaining Defendant is Wal-Mart Stores East, LP.

4. Plaintiff is a citizen of Virginia. Compl. ¶ 4.

5. Wal-Mart Stores East, LP is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

i. Wal-Mart Stores East, LP, has two partners: Wal-Mart Stores East Management, LLC, and Wal-Mart Stores East Investment, LLC. Both are Delaware limited liability companies, with their principal place of business being in Bentonville at the time of filing this action and at the present time.

ii. The sole member of Wal-Mart Stores East Management, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of filing this action and at the present time.

iii. The sole member of Wal-Mart Stores East Investment, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of the filing of this action and at the present time.

6. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

7. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332 (a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441 (a). Walmart desires to remove this action to this Court.

8. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after Walmart was served with the Complaint.

WHEREFORE, Walmart, by counsel, respectfully requests that this action be removed from the Circuit Court of Louisa County, Virginia, to this Court.

WAL-MART STORES EAST, LP

By: s/Joseph M. Moore
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

Graven W. Craig (VSB No. 41367)
Rea T. “Torrey” Williams (VSB No. 84691)
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Counsel for Plaintiff

And I hereby certify that on this 3rd day of November, 2022, I caused a true copy of the foregoing to be sent via U.S. mail to:

Hon. Patty Madison, Clerk
Louisa County Circuit Court
P.O. Box 37
100 W. Main Street
Louisa, VA 23093-0037

s/Joseph M. Moore
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